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March 13, 2017*City of East Chicago*4527 INDIANAPOLIS BLVD
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Honorable Scott Pruitt
EPA Administrator
Environmental Protection Agency
USEPA William Jefferson Clinton Building North (WJC North)
1200 Pennsylvania Avenue N.W. , 1101A
Washington, DC 20004

RE: USS Lead Superfund Intergovernmental Cooperation on Lead Service Line Replacement

Dear Administrator Pruitt:

I write this letter in the hope that we can come to common ground on government efficiency and the best use of limited resources to serve our constituents in the midst of an environmental crisis. The City of East Chicago, a community of over 28,000 residents, was founded in 1893 as an industrial town, and our Calumet Neighborhood was long surrounded by heavy industry including several lead smelters. The USS Lead Superfund Site in East Chicago received significant attention in 2016 because despite years of study and testing by the EPA, the extent of environmental contamination in the affected Calumet residential neighborhood was finally revealed to me as Mayor and to my administration last spring. Unprecedented levels of lead and arsenic contamination were revealed to me on May 24, 2016, with soil lead levels in the HUD funded West Calumet Housing Complex exceeding 91,000 ppm, which is approximately seventy-five times the EPA's emergency action level of 1200 ppm. Almost as startling as the terrifying levels of contamination was the fact that EPA Region 5 personnel had withheld these test results for up to two years. As a result, children who had not even been born in 2014 when soil samples were taken, were found to have excessive blood lead levels, which I attribute to government inaction and inefficiency. My City is crying out for practical, common sense solutions to these environmental problems, and we are asking that these solutions be developed and implemented without further delay.

Many things have happened in the months since the soil lead levels were revealed to me. We aggressively took steps to protect our City's residents. We immediately offered free blood lead testing to all residents. We demanded that residents of Zone 1, which faced the worse contamination, be relocated before soil removal began in order to protect the health of the 680 children who lived in the West Calumet Housing Complex. We insisted that the EPA test the air

for lead and arsenic when performing removal actions in Zones 2 and 3. The Governor of Indiana, the Honorable Eric Holcomb issued an Emergency Disaster Declaration for the USS Lead Superfund site. Now that it has been revealed that this neighborhood also suffers from drinking water problems related to lead service lines, we are working aggressively to address this additional daunting problem.

In August of 2016, the EPA Water Quality division instructed the Indiana Department of Environmental Management ("IDEM") that City of East Chicago Water Utility must change the phosphate it uses as a corrosion inhibitor from Hexametaphosphate to Orthophosphate. The City was never advised of the reason for this change. The City's Water Utility has remained in compliance with the EPA Lead and Copper Rule since the rule was implemented in 1991, and operated its new water treatment in compliance with procedures that were approved by IDEM in 2011, including its selection and use of phosphates as a corrosion inhibitor. The City's Water Utility responded by immediately implementing the EPA and IDEM's order to change the type of phosphate it pumped as a corrosion inhibitor in August 2016.

The EPA began remediation of Zones 2 and 3 in September 2016, and also began a pilot study of water quality in the USS Lead superfund Zone at that time. The EPA's Water Quality Pilot Study involved sequential sampling in USS Lead Superfund Zones 2 and 3. The City is concerned that the new corrosion inhibitor Orthophosphate was not given enough time to become fully effective before the pilot study began. This sequential testing is not contemplated by the Lead and Copper Rule. The City consistently meets the water quality standards contained in the Lead and Copper Rule, which is verified by tests performed by the City and verified by IDEM. In September and October of 2016, forty-three homes, which were being remediated in the USS Lead Superfund OUI, were sampled as part of the Water Quality Pilot Study. In early December 2016, the EPA announced to the public that 40% of the homes involved in the pilot study have excessive levels of lead in their drinking water, and up to 90% of all homes in East Chicago have lead service lines and thus are at risk of the same water quality problems. This announcement was based on preliminary results, and QAQC test result data was not provided to the City until February 28, 2017.

This announcement created a panic in our community. Before the announcement, I pleaded with the EPA to work with my administration to develop short-term and long-term solutions to the problem. Instead, decision makers chose to announce non-QAQC data to the public, without proposing solutions to help residents protect their families. The EPA has stated that it will not continue testing water quality during its clean-up and will not continue to provide water filters to residents. This is despite the overwhelming evidence that any time you disturb the earth with heavy equipment, that there is impact on water service lines. One way to view what has transpired is that the EPA wanted cover to say they weren't the cause of lead in water, but now are unconcerned and uninvolved in preventing exposures to lead water service line problem they uncovered. The EPA's December 2016 announcement of a monumental problem with no

reasonable solution was a disservice to our residents, but repeats the pattern we experienced with the unfortunate way the soil lead test result data was handled.

The purported reason for the EPA's Water Quality Pilot Study was to ensure that the EPA's remediation activities, including the use of heavy equipment, did not cause lead to leech into the water supply. But, I have come to understand that there may have been a desire within the EPA's Water Quality Division to collect data to justify a change in the Lead and Copper Rule in 2017. I feel my community was used as Guinea pigs. But now, regardless of the motivation for the testing and premature announcement, my City is burdened with an additional crisis. Now that the EPA has created fear that 90% of homes in our City may have drinking water that is contaminated by lead service lines, we must develop solutions for these families.

Despite this unfortunate history, the City, State and EPA must work together toward solutions. I have repeatedly requested that the EPA work with the City to coordinate the EPA's excavations with our lead service line replacement program so that all known lead hazards are removed from resident's homes at one time. This would mean that properties in the USS Lead Superfund would only have to be excavated once, and millions of dollars would be saved by eliminating redundant activities, including excavation, soil testing, air monitoring, soil removal, and restoration. Despite having made this request repeatedly over several months, I have yet to receive any assurance of a willingness to work together on the key issues, which are at the heart of my request. While we have been told that the Potentially Responsible Parties are not willing to pay for anything outside of the Consent Decree for Zone 3 and the Agreed Order on Consent for Zone 2, this response ignores the substance and spirit of my request, which is that by working together, each side can gain efficiency. We have an opportunity to cut through governmental red tape and develop common sense solutions to the huge problems facing my community. I believe that if the EPA will agree to hold excavations open for forty eight to seventy two hours, this will allow our Water Utility to do the limited additional excavation to reach lead service lines, replace them by boring and pulling replacement lines, after which the EPA (through its contractors) can resume their normal remediation, removal and restoration activities.


It is more important than ever, in this era of scarce government resources that all levels of government work together to use our resources efficiently, and arrive at the best possible outcomes for our citizens. Are our leaders simply unable, or merely unwilling to overcome the constraints of bureaucracy in order to protect the health and safety of our people? I implore you to help us develop ways in which we can work together to maximize the efficient use of government resources. Will not one person in this agency stand up for efficiency and common sense?

While I still feel that it is unfortunate that my community has been used almost like laboratory rats – first when soil contamination levels were withheld from the City and residents for nearly two years and children left unprotected during that time; and then with the premature announcement of non-QAQC water quality test results and the community again left unprotected

– I feel that we have a once in a lifetime opportunity to move forward in a positive way toward real solutions for the monumental environmental problems my community faces. This is the one moment when we can pioneer a solution to this daunting problem and save our taxpayers and rate payers millions in the process. We can't squander this opportunity. Please do not allow these dollars to be squandered in an inefficient and redundant way.

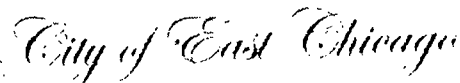
I look forward to working with you to develop real-world, common sense solutions to the environmental crisis facing the City of East Chicago. Toward that end, I invite you to visit my community in the near future. Please contact my office at (219) 391-8200. I promise you will find a willing partner with a track record of efficient use of taxpayer dollars in an atmosphere of adversity, who will work with you toward practical solutions to these enormous problems.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Copeland', with a large, stylized loop at the end.

Anthony Copeland
Mayor

cc: Senator Joe Donnelly
Senator Todd Young
Congressman Peter Visclosky



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